

REMARKSStatus of claims

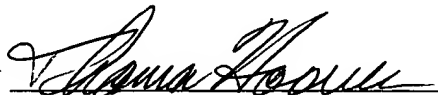
Claims 5-8 remain in this application. Claim 5 is currently being amended. Claims 1-4 and 9-39 have been withdrawn. New claims 40-45 are currently being presented.

Independent claim 5 has been amended to recite a device that measures a material within a container. The Davidov reference relates to a surface measurement, not the measurement of a material within a container.

CONCLUSION

In view of the amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone call would expedite the prosecution of this case, the Examiner is invited to call the undersigned at (508) 416-2475.

Respectfully submitted,
BOWDITCH & DEWEY, LLP

By 

Thomas O. Hoover

Date: *March 5, 2004*

Registration No.: 32,470

Direct tel.: (508) 416-2475

Telephone: (508) 879-5700

Facsimile: (508) 929-3073

Bowditch & Dewey, LLP
161 Worcester Road
P.O. Box 9320
Framingham, Massachusetts 01701-9320